

IN THE DISTRICT COURT FOR THE UNITED STATES OF AMERICA
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION

JORDAN JONES, Plaintiff	§	
	§	
vs.	§	Case #
	§	
KIARA JOHNSON, Defendant	§	

DEFENDANT'S NOTICE OF REMOVAL

Defendant, Kiara Johnson, files this notice of removal under 28 U.S.C. §1446(a).

A. Introduction

1. Plaintiff is Jordan Jones. Defendant is Kiara Johnson.
2. On July 21, 2021, Plaintiff sued Defendant for personal injuries arising from an automobile accident. Suit was filed in Cause # CC23598 styled at *Jordan Jones, Plaintiff vs. Kiara Johnson, Defendant*, in the County Court at Law, Midland County, Texas.
3. Defendant was served with suit papers on October 6, 2021 per phone conversation between Edward Mattingly with state court clerk Jessica Montoya on November 3, 2021. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. Basis for Removal

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Texas. At the time of the automobile accident, Defendant was a citizen of Arizona. Defendant has subsequently moved from Arizona and is now a citizen of North Carolina. Additionally, the amount in controversy exceeds \$75,000, excluding

interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). More specifically, Plaintiff is seeking an unspecified amount of personal injury damages for past and future: pain; mental anguish; physical impairment; and medical expenses; in addition to past disfigurement. Plaintiff's Petition fails to state a specific maximum dollar amount for any element of Plaintiff's damages or for the gross amount of Plaintiff's damage.

6. Copies of all pleadings, process, orders, and other filings in the state court suit are attached to this notice as required by 28 U.S.C. §1446(a). The documents currently in the possession of Defendant include the following:

<u>Exhibit #</u>	<u>Description</u>
A	Plaintiff's Original Petition
B	Citation issued by the state court
C	Order – Substitute Service
D	Affidavit of Service
E	Answer - Original – Johnson

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. Jury Demand

9. Plaintiff demanded a jury in the state-court suit. See Petition.

D. Conclusion

10. For these reasons, defendant asks the court to remove the suit to District Court for the Western District of Texas, Midland Division.

CERTIFICATE OF DELIVERY

This Notice of Removal was eFile via PACER on November 4, 2021 with email delivery of a copy of the Notice as filed to the plaintiff attorney, David Glasheen via his email address at David.Glasheen@glasheenlaw.com .

MATTINGLY LAW FIRM

A handwritten signature in black ink, appearing to read "Edward A. Mattingly". The signature is fluid and cursive, with a large loop at the end.

By: Edward A. Mattingly TBN 13228500
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ATTORNEYS FOR DEFENDANT KIARA JOHNSON